

REMARKS

Claims 1-2, 4-8, 10, 13, 16-33 were pending in the present application. Claim 1 has been amended and new claims 34 and 35 have been added. No claims have been cancelled. Therefore, claims 1,2, 4-8, 10, 13 and 16-35 are pending in the application.

Applicant respectfully requests entry of the above amendments prior to continued examination of the application.

Allowable Subject Matter

Applicant thanks Examiner Gonzalez for allowing claims 16-18.

Recent Application History

On August 08, 2002, Applicant submitted a Request for Continued Examination.

On September 05, 2002, Applicant submitted a Supplemental Amendment adding claims 19-33.

On October 29, 2002, Applicant's representative received a non-final office action that was completely silent in regard to claims 19-33.

On November 25, 2002, Applicant's representative conducted a telephone interview with Examiner Gonzalez to point out the fact that claims 19-33, which were added via the Supplemental Amendment filed September 05, 2002, were not addressed in the October 29, 2002 Office Action. Examiner Gonzalez stated that he had not received the supplemental amendment.

On November 26, 2002, Applicant's representative sent, via facsimile, a copy of the Supplemental Amendment, along with a copy of the filing receipt, to Examiner Gonzalez.

On December 06, 2002, Applicant's representative conducted a second telephone interview with Examiner Gonzalez where it was agreed that the Supplemental Amendment would be entered, and claims 19-33 would be examined. During this telephone interview, it was also agreed that any next office action **would not be a final office action**.

On December 10, 2002, Applicant submitted an interview summary to memorialize the various phone interviews with Examiner Gonzalez.

Amendments to the Claims to Advance Prosecution

Applicant has carefully considered the points made by Examiner Gonzalez in the October 29 Office Action. In response to Examiner Gonzalez's rejection under 35 U.S.C. § 112 first paragraph, Applicant has amended claim 1 to delete the limitation that the leakage flux be a magnetic flux which is not created by the coils of the stator, and substituted in its place the limitation that the leakage flux be a magnetic flux which is not directed towards the coils of the stator, as was recommended at the bottom of page 2 of the office action. Applicant thanks Examiner Gonzalez for his recommendation.

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Applicant notes that not only is the 35 U.S.C. § 112 first paragraph rejection overcome by the above proffered amendment, but also that the 35 U.S.C. § 112 second paragraph rejection and the 35 U.S.C. § 103 rejection are overcome by the above proffered amendment as well, due to the fact that these rejections have their sole basis in the claim limitation that the leakage flux be a magnetic flux which is not created by the coils of the stator. (See Office Action, page 3, last paragraph, and page 5, 4th paragraph, respectively.) That is, all of the rejections relate directly to the stricken limitation, and the added limitation to claim 1 is not found in the cited references. Thus, it is respectfully submitted that the above amendment to claim 1 makes these rejections moot. Reconsideration of the present claim set is respectfully requested.

Objection to the Drawings

The drawings were objected to for failing to comply with the Code of Federal Regulations because "they do not include the following reference sign(s) mentioned in the description: coil 64." In response, Applicant has amended the specification to remove the reference number 64. Applicant respectfully requests reconsideration of the drawings in view of this amendment.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

If Applicant has not accounted for any fees required by this Amendment, the Commissioner is hereby authorized to charge to our Deposit Account No. 19-0741. If Applicants have not accounted for a required extension of time under 37 C.F.R. § 1.136, that extension is requested and the corresponding fee should be charged to our Deposit Account.

Examiner Gonzalez is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date January 08, 2003

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Marked up Version of the Specification

On page 10, please substitute the fourth paragraph for the following:

Since the horizontal part of the plates 63 in this embodiment is disposed along an outer periphery of the outer rotor 55 further from the stator 57 than the magnet 53, it is possible to dispose the magnetic sensor 27 at a position distant from the coils 56 of the stator 57, so the effect of the current flowing through the coils 64 on the magnetic sensor 27 is kept small.

Marked up Version of the Claims

1. (Twice Amended) A magnet pole position detector for a rotor that has a plurality of magnets disposed on a circular periphery, rotates with a rotation shaft, and forms a part of an electric motor that has a stator provided with a plurality of coils, the detector comprising:

plates of the same number as the magnets, the plates being made of a magnetic material, each of the plates being disposed on the rotor at a position along a circular path nearby a corresponding magnet and magnetized by leakage flux ~~on~~ of the corresponding magnet, the leakage flux being magnetic flux which is not ~~created by the coils of the stator~~ directed towards the coils of the stator; and a magnetic sensor outputting a signal in response to a variation of a magnetic flux density on the circular path.